

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
ORGANIZATIONAL MEETING
THURSDAY, FEBRUARY 6, 2020, 7:00 P.M.
City Council Chambers- The Hurley Building
205 Saltonstall St., Canandaigua, NY 14424

Mayor Palumbo called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Council Member Ward 2 Unrath
Councilmember Ward 3 White
Councilmember Ward 4 Dittmar
Councilmember-at-Large Robert O'Brien
Councilmember at-Large Sutton
Councilmember-at-Large James Terwilliger
Councilmember-at-Large Stephen Uebbing
Mayor Palumbo

Also Present: City Manager John D. Goodwin
City Clerk-Treasurer Nancy C. Abdallah
Corporation Counsel David K. Hou, Boylan Code
Assistant City Manager Rob Richardson

Review of Community Core Values: Council Member Ward 2 Unrath read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes:

December 5, 2019

Moved: Councilmember-at-Large Terwilliger

Seconded: Council Member Councilmember-at-Large Uebbing

Vote Result: Carried unanimously by voice vote (9-0)

January 6, 2020

Moved: Councilmember-at-Large Terwilliger

Seconded: Council Member Councilmember at-Large Sutton

Vote Result: Carried unanimously by voice vote (9-0)

Recognition of Guests:

- Suzette van der Sterre- Chair of the Climate Smart Canandaigua Task Force - Just over a year ago, city council approved the formation of Climate Smart Canandaigua Task Force to actively educate and engage the public and the city on opportunities to address climate change. Local climate action is an evolving process which includes planning, implementation, and reporting. So tonight, I'm sharing with city council the Climate Smart Canandaigua's first annual public

progress report for 2019. We will also include this report on the city's website after this for the public to access. In addition to the city of Canandaigua becoming the 23rd Climate Smart certified community with a bronze designation, in 2019 CSC forwarded 15 initiatives as related to the Climate Smart community's program. And I would like to highlight some of our work that is in the report. But first I would like to read our mission. *We are to provide ongoing implementation of actions related to climate change and increase efforts to reduce our carbon footprint and achieve cost savings in the process. We are to assess baseline conditions, establish goals, and develop plans and suggest policies to achieve those goals. And we are to educate the community and stakeholders on the value of the goals and plans.* I read that, because the report that we wrote is broken down into those three sections, one for each part of our mission. The first section includes initiatives to reduce our carbon footprint. So to start the composting program continues to be a success with over 380 households participating in the program. Our plan is to continue to promote awareness of this program through social media, educational opportunities, and community building events. We also supported the city's conversion to LED street lights and Community Choice Aggregation Program (CCA) financing program. We will be actively working to help educate those who might be able to use the CCA financing program which is financing for property owners to fund energy efficient and renewable energy projects at existing commercial structures. Additionally, we will continue to work on zero waste of end guidelines as a resource for event planners that are interested in learning more about how to host a zero-waste event. We will continue to look into residential solar options and the installation of additional electric vehicle charging stations. The second part of our mission is to assess baseline conditions, establish goals, and develop plans and suggest policies to achieve goals. Our first and foremost we need to assess our baseline conditions. So we partnered with Impact Earth to conduct a municipal solid waste audit on all seven municipal facilities. With this data the CSC will work with city staff to identify educational opportunities and policy changes that will help increase the city's landfill diversion rate. We encourage the establishment of a community choice aggregation program within the city of Canandaigua. Once that partner is chosen CSC will work with a third-party administrator to educate residents about community choice aggregation. And finally, the third part of our mission is to educate the community and stakeholders on the value of the goals and plans. This is where a lot of our work was done this year. In partnership with Wood Library, we hosted Earthapalooza. 13 community partners participated which attracted close to 150 people of all ages to the library where they learned about a wide range of Climate Smart initiatives locally. We volunteered our time to participate in the arts and music festival downtown and the Fourth of July Parade. And as a source for up-to-date information we created a webpage on the city's website and our actively managing a Facebook page. And then I'd just like to close. We're looking forward to 2020. We will be performing a government operations and community greenhouse gas inventories, a natural resource inventory, and a climate vulnerability assessment. We Had help from New York state DEC grants. The city will be contracting with Impact Earth to complete these assessments which are a foundational step towards effective climate action and will provide the data needed to set realistic goals and track our progress. On March 28th, we will also be hosting a green vendor fair at the primary elementary link gym where residents can learn more about the green products and services that are available locally, so. And I'd just like to close with over the next several years our job is to build on these successes and expand the initiatives necessary to ensure that our community is a leader in sustainability. We appreciate all of the support. I know I can speak for everybody in our group. We really appreciate all of the support we've received from council and look forward to many future successes.

- Denise Chaaple- Downtown BID Manager - So I brought a couple things with me, because I have a couple exciting things to talk about, the first being our Fire and Ice Festival that's coming up a week from Saturday. But basically, the Fire and Ice Festival, we're in our fifth year, super

excited to be able to host something for our downtown in our community during the winter months. The off seasons is really where our focus is, and this has proven to be a really exciting piece. This year we, again, have our annual ice and speed carving competition. Last year we included speed carving which was really amazing. It's two carvers going head-to-head for 15 minutes. And they have to create this piece. And then two others compete. And then the winners of those come together. So we actually end up with five incredible carvings in less than an hour from different people. But the ice carving competition itself with all of the carvers runs from ten 30 to three, and the speed carving starts at three. It goes to four with awards, awards for several of the things that are happening throughout the day will happen at the Commons Park at four. We actually kick off the ceremony with an opening ceremony at 10:30 with a young man singing the national anthem from the Special Olympics. And we did that last year, and it was really incredible. So, we're definitely bringing that back again also. The ice carvings we found that so many people come out on Sunday. So, if you can't make it on Saturday the 15th, come back on the 16th, because at that point there's over 20 carvings lining the streets of downtown, the Commons Park, and they're absolutely gorgeous. And this year we have a warm beverage trail. Last year we did a cocoa crawl that sold out in less than an hour. So, we're extending it for two days so people can enjoy the warm beverage trail. You go in and out of almost 20 businesses and try different winter beverages and such. So that's exciting. We're proud to say we're bringing the fire guy who does incredible shows. He's from Toronto. And he's actually a world record holder now. We're excited to bring him back. Our ever-popular top chef challenge pits 12 of our local restaurants against each other. They are fighting for the giant trophy and of course 2020 bragging rights. But this year's theme is comfort food. You probably remember that we did chili for a few years. Last year we did a mac down with mac and cheese. And based on the guests that came and did the tastings and such and also the chefs. They said let us try something different. This year you're going to see anything, and I don't want to give too many secrets away, but we're not really telling what a lot of the chefs are doing, but anything from chicken and biscuits to meatballs to quail eggs, so a lot of really unusual creative things. And they're definitely taking comfort food to a new level to win. For our animal lovers, we have Alaskan Malamutes. We have Siberian Husky dogsled team will be back and Angel Balpacker from Lazy Acres. There will be fire department and firetruck experiences and the FLCC woodsmen team will be there. And I do have approval for this to do fire building competitions. We'll be doing it on snow. There will be a human snow globe where you actually can climb into the snow globe and do photo-ops and such, very excited. Amazing Magic Joe will be back with his magic shows at Unique Toy. Olaf will be looking for his friends as well as the Special Olympic bear. We'll also be hosting a craft brew tasting this year from four to seven. There will be glass blowing, candle making demonstrations and more. I can only touch on a few of the things for the sake of time. But if you want more information, follow us on Facebook, Canandaigua bid Facebook page or Downtown Canandaigua.com for we always have continual updates going up. I also want to tell you and invite all of you the bids annual meeting is every February based on our bylaws, and this year it will be February 25th. And I'm excited to say that we'll be holding it at Gleason's. Gleason's is one of our new restaurants in downtown. We're super excited to showcase and welcome Patrick and this new business for they've just worked tirelessly, quite honestly and followed through with everything that they said they were going to do. They basically gutted, rebuilt, and saved a lot of the incredible history that was in that building. So, I invite all of you to come out. But I'm also proud to say that this year's annual meeting we're also bringing back Anthony Capece. He was our very first bid director in downtown Canandaigua. And when he left Canandaigua he went to Albany. And he is Albany's bid director. And he's coming back to share his insights and knowledge and to help us continue with the same level of success that we've been experiencing but help us grow on that. The purpose of our bid annual meeting, quite honestly, is to share a few of our accomplishments. But more

importantly for our board to hear what the community, the stakeholders, what you would like to see happen in the downtown district in 2020 and beyond. The board has already had one organizational meeting, but they will within seven days of this annual meeting host another. And at that time they'll take all of the feedback and what their thoughts are and such and make our final plan for 2020 and the next five years. I think those are very exciting. Again, that annual meeting is open to everyone. We invite all stakeholders, council obviously, mayor, community members. We want to hear what everybody says. All you need to do is again it's February 25th, 6 p.m. at Gleason's. If you would just call the office and RSVP by February 21st would be really helpful.

- Michael Yarger, and I live in Rochester, New York and own investment property down here in Canandaigua on South Main Street. But I wanted to talk to you about something that's not on the agenda and very appropriate for this time of year, and that's the city's snow removal policy. And the city has quite a few residents quite upset with the city because of the high fee that the city charges to have their sidewalks cleaned. It amounts to \$80 per address, whether it takes the city two minutes or an hour to clean it. So, I did you folks a favor and contacted a snow removal company locally to find out if they would have the manpower and capability to handle that job. And I asked them what would you charge me. And they said \$40 per address. I could save you guys half the price that you charge, and you'll make the city residents much happier by going with that. So, if you are interested in that I'd encourage you to have the city manager get a hold of me to sign a contract. Thank you.

Committee Meetings:

Planning Committee and Finance Committee:

January 7, 2020 (Appendix A)

February 4, 2020 (Appendix B)

Environmental Committee and Ordinance Committee:

January 21, 2020 (Appendix C)

Resolutions:

Resolution #2020-005:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember Ward 1 Cutri

A RESOLUTION RECOGNIZING AND THANKING RETIRED WATER TREATMENT PLANT OPERATOR PETER HOULE FOR HIS 28 YEARS OF SERVICE TO THE CITY OF CANANDAIGUA

WHEREAS, Peter Houle, who served the City of Canandaigua from his appointment as a Water Treatment Plant Operator Trainee September 16, 1991, and subsequently as a Water Treatment Plant Operator (September 16, 1992), celebrated his retirement on January 25, 2020; and

WHEREAS, during his 28+ years, Peter worked diligently to ensure the water produced at the Water Treatment Plant was of the highest quality for the five (5) municipalities and 70,000 people who depend on Canandaigua Lake as their water source; and

WHEREAS, Peter proved his dedication to this endeavor by not calling in sick once during his 28+ years of service, showing exemplary commitment to both the City and the community; and

WHEREAS, Peter has served under seven City Managers, two Mayors, and seventeen City Councils; and

WHEREAS, during his distinguished career Peter has performed his duties with dedication and professionalism, and has won the respect and admiration of the community, his peers and coworkers;

NOW, THEREFORE, BE IT RESOLVED, that the Canandaigua City Council, on behalf of the residents of the City of Canandaigua, does hereby recognize and thank Peter Houle for his 28+ years of dedicated service to the City of Canandaigua and wishes him many happy years of retirement.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-006:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 3 White

**A RESOLUTION AUTHORIZING THE CITY OF CANANDAIGUA
TO ENTER INTO A RENEWAL AGREEMENT WITH
HABITAT FOR HUMANITY OF ONTARIO COUNTY, NY**

WHEREAS, in March, 2014 the City of Canandaigua entered into an agreement with Habitat for Humanity of Ontario County, NY (Habitat) for the purposes of conducting a housing rehabilitation project; and

WHEREAS, the original scope of the project was limited to Chapin Street, but was later expanded to include the entire City of Canandaigua; and

WHEREAS, Habitat has successfully recruited volunteers to improve homes throughout the City which has not only improved the safety and physical appearance of the homes and neighborhoods, but has also strengthened the homeowners' sense of pride and investment in the community; and

WHEREAS, the City is desirous of entering into a renewal agreement with Habitat; and

WHEREAS, the City's cost for this proposal is \$17,000 which will be funded from program income in the City's CDBG Fund and be utilized for materials and supplies; and

WHEREAS, this proposal was reviewed and approved at the January 7th Planning Committee meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute a renewal agreement with Habitat; and

BE IT FURTHER RESOLVED that this project will be funded from a not-to-exceed \$17,000 allocation from the City's CDBG Fund.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-007:

Moved: Councilmember Ward 1 Cutri
Seconded: Councilmember at-Large Sutton

A RESOLUTION AUTHORIZING THE CITY OF CANANDAIGUA TO ENTER INTO A RENEWAL AGREEMENT WITH PATHSTONE CORPORATION

WHEREAS, in March 2014, City of Canandaigua and PathStone Corporation (PathStone) partnered to provide assistance to low to moderate income homeowners in making repairs to their homes and energy efficiency improvements, known as the Home Energy and Improvement Program; and

WHEREAS, PathStone has submitted a proposal to renew this program with said proposal including the rehabilitation of at least seven homes within the City of Canandaigua; and

WHEREAS, the City is desirous of renewing said partnership with PathStone; and

WHEREAS, PathStone possesses the experience, skill and capacity required to deliver essential services to income-eligible homeowners to receive assistance from the City of Canandaigua under the Home Energy and Improvement Program; and

WHEREAS, the City cost of this proposal is \$53,800 which will be funded from program income in the City's CDBG Fund; and

WHEREAS, additional funds will be provided by other grants awarded to PathStone including grants from the New York State Energy Research and Development Authority; and

WHEREAS, this proposal was reviewed and approved at the January 7th Planning Committee meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute an agreement with PathStone for purposes of initiating a Home Energy and Improvement Program; and

BE IT FURTHER RESOLVED that this project will be funded from a not-to-exceed \$53,800 allocation from the City's CDBG Fund.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-008:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION AUTHORIZING A SPECIAL EVENT:
EASTERN FREESTYLE STANDARD CHAMPIONSHIP SKIER RECOGNITION**

WHEREAS, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

• ***EASTERN FREESTYLE STANDARD CHAMPIONSHIP SKIER RECOGNITION***

Date: March 20, 2020

Location: Commons Park, Main Street Sidewalks, Coach Street, and Coach Street Parking Lot

Coordinator: Downtown Canandaigua Business Management Association

Time: 4:00-8:00 p.m.

Purpose: Celebrate skiers from around the World coming to our area for the 2020 USSA EQS Eastern Freestyle Championships Opening Ceremony

Expected Number of Participants: 1,000

WHEREAS, this request was reviewed and approved at the January 21st Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by City Council that permission is granted to hold the abovementioned special event, in accordance with the submitted application, at the time and location listed, under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special events; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

BE IT FURTHER RESOLVED that the organizers of the Special Events shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to ensure the health and safety of Canandaigua residents and visitors throughout these events.

NOES: *None*

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: *Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo*

NOES: *None*

Resolution #2020-009:

Moved: Councilmember at-Large Sutton

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AUTHORIZING A SPECIAL EVENT:
THE CANANDAIGUA MILE**

WHEREAS, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- ***The Canandaigua Mile***

Date: May 2, 2020

Location: Main Street Canandaigua

Coordinator: Abbie Sullivan

Time: 9 a.m.

Purpose: Race and Community Event

Expected Number of Participants: 200

WHEREAS, this request was reviewed and approved at the January 21st Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by City Council that permission is granted to hold the abovementioned special event, in accordance with the submitted application, at the time and location listed, under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special events; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

BE IT FURTHER RESOLVED that the organizers of the Special Events shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to ensure the health and safety of Canandaigua residents and visitors throughout these events.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-010:

Moved: Councilmember Ward 3 White
Seconded: Councilmember Ward 4 Dittmar

**A RESOLUTION AUTHORIZING THE CLIMATE SMART
CANANDAIGUA TASK FORCE
TO COLLECT A GREEN VENDOR FAIR REGISTRATION FEE**

WHEREAS, the Climate Smart Canandaigua (CSC) Task Force is holding a Green Vendor Fair on Saturday, March 28, 2020; and

WHEREAS, the CSC Task Force is requesting authorization from City Council to charge a fee from anticipated 30+ vendors intending to participate; and

WHEREAS, the one-time, \$10 fee with payment made to the City of Canandaigua would be to reserve a table at the Green Vendor Fair, with any revenue generated from this fee being used to cover costs associated with promoting the event, i.e. mailing, posters, boosted Facebook posts, and other media; and

WHEREAS, per NYS Law, the fee charged must offset any costs associated with holding the event, and cannot be used as a revenue generator; and

WHEREAS, this proposal was reviewed at the February 4th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the Climate Smart Canandaigua Task Force to assess a one-time registration fee of no more than \$10 for participants of the Green Vendor Fair; and

BE IT FURTHER RESOLVED, that any revenue generated from this fee is used to cover costs associated with promoting the event, i.e. mailing, posters, boosted Facebook posts, and other media.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-011:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AUTHORIZING A CONTRACT FOR VOLUNTEER FIRE SERVICES
WITH ERINA HOSE COMPANY #1**

WHEREAS, the City of Canandaigua Fire Department is a combination department where fire protection services utilize a paid professional staff and volunteer companies; and

WHEREAS, Erina Hose Company No.1 is a volunteer fire company which the City of Canandaigua contracts to supplement the paid fire department, with a Fire Services Agreement; and

WHEREAS, the agreement states that, in exchange for at least five (5) active firefighters, the City will contribute 4 quarterly payments of \$875 totaling \$3,500 for the year; and

WHEREAS, to be considered an "active firefighter," volunteers must attend at least six (6) emergency calls and three (3) drills in each quarter of the calendar year with the Fire Chief having the final determination on whether or not a volunteer has met these requirements; and

WHEREAS, Staff recommends authorizing the fire services contract to supplement the professional fire department; and

WHEREAS, the proposal was reviewed at the February 4th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the City Manager to execute the Fire Services Agreement with Erina Hose Company #1 in substantially the same form as attached hereto and made a part thereof.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-012:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 3 White

A RESOLUTION DECLARING USED AND UNWANTED CITY VEHICLES SURPLUS

WHEREAS, there exists used and unwanted vehicles, so noted on the attached list, that are no longer essential to the operations of the City of Canandaigua; and

WHEREAS, it is necessary to declare as surplus the vehicle on the attached list such that they may be sold at public auction, via sealed bid, or as trade ins; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby declares as surplus the vehicles contained on the attached list and they are to be sold to the highest bidder at a public auction, through sealed bids or to be traded in on future equipment purchases pursuant to City and State purchasing guidelines

Surplus Vehicles- February 2020

- | | |
|--------------------------------|------------------------|
| • 2011 Stone Asphalt Roller | Ser# 522011376 |
| • 2011 Ferris IS1500 Zero Turn | Ser# 2013824215 |
| • 2009 Mack Garbage Truck | Vin# 1M2AU04C69M002866 |
| • 2008 Ford E-250 Van | Vin# 1FTNE24W98DB55152 |
| • 1999 International 4700 | Vin# 1HTSCABM0XH627284 |
| • 2014 Ford Police Interceptor | Vin# 1FAHP2MK3EG186059 |
| • 2004 Chevrolet C8500 | Vin# 1GBP8C1C74F502576 |
| • 2008 Mack Dump Truck | Vin# 1M2AX09CX8M002965 |
| • 1978 Honda Motorcycle | Vin# CB400T4069497 |
| • 1978 Honda Motorcycle | Vin# CB400T4069495 |
| • 2009 Ford F-550 Dump | Vin# 1FDAF57R79EA63967 |
| • 2008 Ford F-350 Stake Body | Vin# 1FDWF36568EA86258 |

- 2011 Chevrolet 1500 Pickup

Vin# 1GCNCPEX5BZ460023

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-013:

Moved: Councilmember Ward 1 Cutri

Seconded: Councilmember-at-Large Uebbing

A RESOLUTION AWARDING A CONTRACT FOR OVERHEAD DOOR MAINTENANCE

WHEREAS, the City's contract for maintenance on overhead doors at all its facilities expired, and bids were opened on January 10th for this service; and

WHEREAS, of the three (3) vendors solicited, two (2) did not submit bids; and

WHEREAS, the only response came from DBA Tri-County Overhead Door (now Alliance Door and Hardware, Inc), located at 55 Alliance Drive in Rochester, NY with a bid of \$6,475.20 with an hourly rate of \$134.90 and a travel charge of \$134.90; and

WHEREAS, Staff recommends awarding the contract to Alliance Door and Hardware Inc., and this recommendation was reviewed at the February 4th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a maintenance contract for the overhead doors at all our facilities to Alliance Door and Hardware, Inc., located at 55 Alliance Drive in Rochester, NY with a bid of \$6,475.20 with an hourly rate of \$134.90 and a travel charge of \$134.90.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-014:

Moved: Council Member Ward 2 Unrath

Seconded: Councilmember Ward 1 Cutri

RESOLUTION #2020-014
A RESOLUTION RENEWING THE MILL STREET GROUND LEASE AGREEMENT

WHEREAS, in 2012, the City entered into a ground lease agreement with businesses on Main Street for the use of bulk waste receptacles on Mill Street, also known as “dumpster farms;” and

WHEREAS, the original agreement included multiple businesses, but the only active participant is the Gateway Grille; and

WHEREAS, the initial agreement was for one year, and included a provision for four (4) additional 12-month terms, and upon mutual consent from both parties has been renewed annually; and

WHEREAS, this agreement and the additional 12-month terms expired at the end of 2019, and needs to be renewed in order to allow Gateway Grille continued access to the dumpster farm; and

WHEREAS, Staff recommends renewing the agreement, and utilizing the structure of the initial contract to include four (4) additional 12-month terms; and

WHEREAS, this recommendation was reviewed at the February 4th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the City Manager to execute a ground lease agreement with the Gateway Grille for one year, with a provision for four (4) additional 12-month terms upon mutual consent from both parties.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O’Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-015:

Moved:

Seconded:

A RESOLUTION AUTHORIZING A CAPITAL BUDGET AMENDMENT

WHEREAS, the City’s Salt Building houses salt that is used to de-ice roadways during snow and ice events; and

WHEREAS, in accordance with MS4 requirements and best management practices, salt should be stored in a covered building; and

WHEREAS, the current salt building, which was constructed in 2002, has a concrete base, steel frame and a fabric cover, but the fabric has started to fail in several spots and needs to be replaced; and

WHEREAS, the estimated cost to replace the cover is \$23,291, without accounting for any unforeseen issues with any other portions of the building; and

WHEREAS, the fabric cover on the salt building was not scheduled to be replaced in 2020, making a capital budget amendment necessary to complete the project; and

WHEREAS, Staff recommends that City Council appropriate \$25,000 for this project from the Capital Reserve, and this recommendation was reviewed at the February 4th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes a capital budget amendment and appropriates \$25,000 from the Capital Reserve to the Capital Fund to replace the fabric cover on the salt building.

Discussion:

Councilmember-at-Large Terwilliger - Just a question directed at John. Part of our discussion at finance the other night was to see if there might be some sharing that might be done with the town or the state or perhaps some other municipality that would allow us to perhaps move our salt supply somewhere else and not have to replace that cover. I think the director of public works is going to make some inquiries. Do you know if that's been done?

City Manager John D. Goodwin - I sent an email out to council addressing those questions. But to answer you and for the public, we did make those inquiries. We did talk to Greg Tross who's a city resident, but he works at the Ontario County based DOT on Parrish Street. Their salt facility is barely large enough for their own functions there. And they have their own fabric failure. And they're looking to replace that. But because of the limited size of their facility and the entire property, they're now looking to expand on that building. So, it would be difficult to add our salt to there. So, in the near term, that is not an option. The town did attempt to share with the school district at one point in time. Apparently, that did not go well. There was a number of issues related to record keeping and accounting which would be an issue that we would run into as well. Whose salt is being taken out of? And so you'd probably have to have a scale to measure that. Adding a truck scale is well exceed the \$25,000 cost we have here. And it's just administrative nightmare. And there's a number of other issues that he listed to the director of public works, Jim Sprague. So, we did look at those. It didn't look like it's feasible here in the near term. If something arises in the long term, we'll continue to look at shared opportunities.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-016:

Moved: Councilmember-at-Large Uebbing
Seconded: Councilmember Ward 3 White

**A RESOLUTION AUTHORIZING A BUDGET AMENDMENT TO CONTINUE
THE LAKE FRIENDLY LAWN CARE PROGRAM**

WHEREAS, improper use of fertilizers can contribute to harmful algal blooms, increased aquatic plant growth and degradation of water quality, and general health concerns have been raised about the use of pesticides and herbicides; and

WHEREAS, in response to these concerns, City Council partnered with the Town of Canandaigua and the Watershed Association to promote the Lake Friendly Lawn Care Program; and

WHEREAS, this program asks residents and businesses to pledge to and adopt lake friendly lawn care by reducing and/or eliminating the use of fertilizers, planting rain gardens or vegetative buffers and tolerating some weeds and pests before considering pesticides and herbicides; and

WHEREAS, the 2019 Budget included \$10,000 in funding for environmental education efforts, and City Council contracted with the Watershed Association for signs and promotional materials at a total expense of \$2,500; leaving \$7,500 unexpended and still available for this program,

WHEREAS, City Council is desirous in continuing the promotion of the program; and

WHEREAS, at its February 4th meeting, the Finance Committee approved the appropriation of \$7,500 from the 2020 Budget contingency to continue the partnership with the Watershed Association to further promote the program;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes a budget amendment and appropriates \$7,500 from the 2020 Budget contingency to continue the partnership with the Watershed Association to further promote the program.

Discussion: Councilmember-at-Large Uebbing - At our last meeting we outlined a public information campaign which would include some billboards. We have some pricing for those billboards' additional literature. This is going to be very inexpensive but a larger presence on social media. And we don't have precise estimates for each of those costs, but Karen was at the meeting. There was a different committee member who volunteered to engage with the vendors and determine those costs. We'd like to get one of those rolling billboards at the right time to promote not using pesticides and fertilizers when it's not necessary. And there are reduction methods that have been

adopted by Cornell University. We have an important event on February 1th, right here in this room, 12 o'clock for lawn care maintenance providers and five o'clock for the general public to talk about how you can get a rich and lush lawn without overly using pesticides or hardly using pesticides and minimal use of fertilizers. So that's another event that we're sponsoring. That's a \$500 fee to bring that speaker in.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-017:

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Terwilliger

A RESOLUTION CREATING A TASK FORCE FOR THE PHOENIX STREET PROJECT

WHEREAS, over the years, there have been several ideas raised by Staff, City Council, and community stakeholders on how to attract more visitors to shop, dine, and explore Downtown Canandaigua; and

WHEREAS, one such idea would be to close Phoenix Street and convert into a pedestrian plaza, similar to Linden Street in Geneva, New York, with outdoor dining and night life; and

WHEREAS, the City has pursued multiple options to fund the proposed plan and included it as a potential project in all four (4) Downtown Revitalization Initiative (DRI) applications, but has been unable to find the financial resources required to move the project forward; and

WHEREAS, at the February 4th Planning Committee meeting, community stakeholders voiced their desire to have Phoenix Street converted into a pedestrian plaza, and requested the City take action to move the project forward; and

WHEREAS, while there is no funding allocated for this project in the 2020 Budget, the planning committee recommended that City Council create a Task Force to explore this idea and come back to Council with ideas and recommendations on how the City can support this project in the future; and

WHEREAS, this recommendation was reviewed and approved at the February 4th Planning Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the creation of a Task Force to explore options to move the Phoenix Street project forward.

BE IT FURTHER RESOLVED, that the Mayor may appoint up to seven (7) members to the Task Force.

Discussion:

Councilmember at-Large Sutton - . John sent an email earlier referencing that the LDC may be taking this on as a strategic priority. I just wanted to put out there that I still think it's a good idea for us to appoint the task force. I think that there is some municipal accountability here. I don't see any reason why the task force can't work and articulate with the LDC on the project. So I just wanted to acknowledge your feedback on it John, but don't think that it's mutually exclusive.

Councilmember-at-Large Uebbing - I agree with Renee again. It's great that the LDC would be involved. They could perhaps access some grant funding, build this into their strategic plan. But I love the kind of organic energy you get from the community around this project. And that doesn't mean we're just going to take whatever community members suggest and put it into action. But it does mean that their stakeholders, and they have a lot invested in this street. So, businesses and community members that use this street, everybody who's and the whole community sees this street every day. It's great that we have so much enthusiasm and interest in developing this project. So again, LDC great. Get a community task force behind it. We're going to need professional help. There's no question about that in terms of really estimating cost and then trying to figure out where the funding would come from is a complex project. It's not going to get done overnight. But moving it forward is a good thing.

Council Member Ward 2 Palumbo - I see the LDC as more of a long term doing something with the street. I see this group as a to see a couple Friday and Saturday nights with possibly this summer just to test it out, see how it goes, and then that be a good test to see if we move forward. But I see the LDC as more of a possibly permanently closing the street. But I would like to get this group going to see if this summer we can get maybe a few weekends at least to see how it goes down there.

Councilmember-at-Large Terwilliger - Building on council members Sutton's and Uebbing's comments, I'm one of the five voting members of the LDC board. And I view the LDC's role as supportive, but I also see the local grassroots effort as being the driver and yes, there's complementary interaction here. But no one should interpret the LDC's interest as one of taking it over. We want the grassroots' effort to drive it. If the LDC can be supportive, that's fine, that's good. And I think there is a role for that support.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2020-018:

Moved: Councilmember Ward 4 Dittmar
Seconded: Councilmember Ward 3 White

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON
LOCAL LAW #2020-002**

WHEREAS, Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law requires a public hearing on a proposed local law.

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on Local Law #2020-002 amending Chapter 714 of the Canandaigua Municipal Code shall be held in the City Council Chambers, the Hurley Building, 205 Saltonstall Street, Canandaigua, New York beginning at 7:00 p.m. on Thursday, March 5, 2020.

BE IT FURTHER RESOLVED, that the City Clerk shall cause notice to be given as required by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Ordinances:

Ordinance #2020-001:

Moved: Councilmember Ward 3 White
Seconded: Councilmember at-Large Sutton

AMENDMENT: Councilmember Ward 3 White moved to amend this ordinance from "effective immediately" to "effective in 30 days". Councilmember-at-Large Terwilliger seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large

Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: *None*

Amended Ordinance:

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 1 Cutri

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: *None*

**AMENDED ORDINANCE
AN ORDINANCE AMENDING CHAPTER 648, VEHICLE AND TRAFFIC, OF
THE MUNICIPAL CODE
TO REMOVE STOP INTERSECTIONS**

SECTION 1. §648-13 “Stop Intersections” of the Municipal Code is hereby amended to remove the following:

Sand Street from the south with Telyea Street

SECTION 3. This ordinance shall be effective in 30 days.

Local Laws:

Local Law #2020-002:

Councilmember-at-Large Terwilliger read the following Local Law and placed in on the table.

**PROPOSED LOCAL LAW 2020-002
AMENDING CHAPTER 714-28(A) OF THE MUNICIPAL CODE
TO PROVIDE FOR PARKING GARAGE CONDITION
ASSESSMENTS AND OPERATING PERMITS**

WHEREAS, the Secretary of State for the State of New York is authorized under N.Y. Exec. Law § 381 to issue rules and regulations for the administration of the State’s Uniform Fire Prevention and Building Code (Uniform Code); and

WHEREAS, local governments are charged with enforcement of the Uniform Code and are directed under 19 NYCRR 1203.2(a) to adopt certain portions of the Uniform Code by local law; and

WHEREAS, the Secretary of State has amended 19 NYCRR 1203.3 to now require local governments to adopt code provisions regarding condition assessments and operating permits for parking garages.

THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua as follows:

Sec. 1 Chapter 714-28(A) is hereby amended as follows (*new language shown in italics, omitted language shown with strikethrough*):

A. Any person who proposes to undertake any activity or to operate any type of building listed below in this Subsection A shall be required to obtain an Operating Permit prior to commencing such activity or operation.

~~(1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;~~

~~(2) Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a by product, fruit and crop ripening, and waste handling;~~

~~(3) Use of pyrotechnic devices in assembly occupancies;~~

~~(4) Places of assembly. Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more;~~

~~(5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the City Council of the City of Canandaigua;~~

(1) Acetylene generators. To operate an acetylene generator having a calcium carbide capacity exceeding five pounds.

(2) Automobile tire rebuilding plants. To operate an automobile tire rebuilding plant.

(3) Automobile wrecking yards. To operate an automobile wrecking yard.

(4) Bowling establishments. For bowling pin refinishing and bowling lane resurfacing operations involving the use and application of flammable or combustible liquids or materials.

(5) Cellulose nitrate motion picture film. To store, keep or have on hand more than 25 pounds of cellulose nitrate motion picture films.

(6) Cellulose nitrate plastics (Pyroxylin).

- (a) To store, keep or have on hand more than 25 pounds of cellulose nitrate plastics (pyroxylin).
- (b) To manufacture articles of cellulose nitrate plastics (pyroxylin) which shall include the use of cellulose nitrate plastics (pyroxylin) in the manufacture or assembling of other articles.
- (7) Combustible fibers. To store, handle, or use combustible fibers in quantities in excess of 100 cubic feet, except agricultural products on a farm.
- (8) Combustible materials. To store combustible materials including but not limited to empty combustible packing cases, boxes, barrels, or similar containers, rubber tires, baled cotton, rubber, cork, or other similar materials in excess of 2,500 cubic feet gross volume, on any premises.
- (9) Compressed gases.
 - (a) To store, handle, or use at normal temperatures and pressures more than:
 - [1] 2,000 cubic feet of flammable compressed gas, or
 - [2] 6,000 cubic feet of nonflammable compressed gas.
 - (b) To store, handle or use any quantity of liquefied natural or hydrogen gas.
- (10) Cryogenics. To store, handle, or use cryogenic fluids, except cryogenics used as a motor fuel and stored in motor vehicle tanks, as follows:
 - (a) Production, sale, or storage of cryogenic fluids.
 - (b) Storage or use of flammable cryogenic fluids, cryogenic oxidizers, or liquefied oxygen in excess of 10 gallons.
- (11) Dry-cleaning plants. To use in excess of four gallons of solvents or cleaning agents classified as flammable or combustible.
- (12) Dust producing plants. To operate any grain elevator, flour, starch, or feed mill, woodworking plant, or plant pulverizing aluminum, coal, cocoa, plastics, magnesium, spices, sugar, sulfur, or other materials producing explosive-potential dust.
- (13) Explosive ammunition and blasting agents.
 - (a) To manufacture, possess, store, sell, or otherwise dispose of explosives and blasting agents.
 - (b) To use explosives or blasting agents.
 - (c) To operate a terminal for handling explosives or blasting agents.
- (14) Flammable and combustible liquids.

- (a) To store, handle, or use flammable liquids in excess of 6 1/2 gallons inside dwellings; or in excess of 10 gallons inside any other building or other occupancy; or in excess of 60 gallons outside of any building. This provision shall not apply to: 1) Liquids in the fuel tank of a motor vehicle, aircraft, portable or stationary engine, boat, or portable heating plant; (2) Paints, oils, varnishes or similar flammable mixtures, when such liquids are stored for maintenance, painting, or similar purposes.
 - (b) To store, handle, or use combustible liquids in excess of 25 gallons inside a building, or in excess of 60 gallons outside of a building.
 - (c) This provision shall not apply to fuel oil used in connection with oil burning equipment.
 - (d) A permit shall be obtained for the initial installation of an oil burner and a fuel oil tank used in connection therewith. A permit shall be required for the replacement of a fuel oil tank connected to an oil burner.
 - (e) For processing, blending, or refining of flammable or combustible liquids.
- (15) Flammable finishing. For spraying, coating, or dipping operations utilizing flammable or combustible liquids.
- (16) Fruit ripening process. To conduct a fruit ripening process using ethylene gas.
- (17) Fumigation and thermal insecticidal fogging. To conduct fumigation or thermal insecticidal fogging operations.
- (18) Hazardous chemicals.
- (a) To store, handle, or use more than 55 gallons of corrosive liquids; or more than 50 pounds of oxidizing materials; or more than 10 pounds of organic peroxides; or more than 50 pounds of nitromethane; or 1,000 pounds or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures containing 60% or more ammonium or any amount of toxic material or poisonous gas.
 - (b) To store, handle, or use any quantity of air-reactive, water-reactive, or unstable materials.
- (19) *Hazardous materials or activities.*
- (a) *Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) or 5003.1.1(4) of the 2015 edition of the International Fire Code and incorporated by reference in 19 NYCRR 1225.1;*

- (b) *Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling; or*
 - (c) *Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the City Council of the City of Canandaigua.*
- (20) Junkyards. To operate a junkyard.
- (21) Liquefied petroleum gas. For each installation of liquefied petroleum gas employing a container or an aggregate of interconnected containers of 500 gallons water capacity or over, and for each permanent installation, irrespective of size of containers, made at buildings in which 20 or more persons congregate for civic, political, educational, religious, social or recreational purposes. Installers shall maintain a record of all installations and replacement of portable cylinders, and have it available for inspection.
- (22) Lumberyards. To operate a lumberyard.
- (23) Magnesium. For melting, casting, heat treating, machining, or grinding of more than 10 pounds of magnesium per working day.
- (24) Matches.
 - (a) To manufacture matches.
 - (b) To store matches in excess of 25 cases. (NOTE: One case equals one matchman's gross of 14,400 matches.)
- (25) Organic coatings. To perform organic coating operations utilizing more than one gallon of organic coating on any working day.
- (26) Ovens and furnaces. To operate industrial processing ovens and furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400° F. which are heated with oil or gas fuel or which during operation contain flammable vapors from the material in the oven or catalytic combustion system.
- (27) *Parking garages. Parking garages as defined in 19 NYCRR 1203.3(j). In addition, all such parking garages shall be subject to additional "condition assessments" as required and set forth in 19 NYCRR 1203.3(j).*
- (28) *Places of assembly. Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more.*
- (29) *Pyrotechnic devices. Use of pyrotechnic devices in assembly occupancies.*
- (30) Service stations and repair garages. To operate a service station or repair garage.

- (31) Welding and cutting. To operate a welding and cutting business A record of all locations where welding or cutting operations are performed shall be maintained and kept available for inspection by the permit holder.

Manager's Report: City Manager John D. Goodwin reported the following:

- It did snow out. And one way to avoid the fee that Mr. Yarger referred to earlier is very simple. You shovel the sidewalk 24 hours after it snows. And if you can't, you can contact Mr. Yarger, because he apparently has a contractor that can do it. But again, 24 hours after the end of the snow we require that you remove the snow and ice from the sidewalk or the city will come and remove it, and you are subject to a fee for that.
- I also wanted to point out we do have our water quality report on our website. As part of our being environmentally friendly, we don't print out many of these copies, so it is on the website with a number of other years on there as well. And there was in the newspaper that actually council member Terwilliger brought to my attention today about tap water treated with a chlorine produces carcinogens. We do test for those byproducts that are caused by chlorine, because we do chlorinate our water. We do fit within all the guidelines with the EPA, and we test it regularly to ensure that our water is safe. This water came from my tap at home. It's drinkable. And to do the Erin Brockovich thing, [drinks from water bottle] that's all I got.

Discussion: Councilmember-at-Large Uebbing - during campaigning, talk about water quality. So I'll raise this question. I don't expect you to have an answer to everything. Have we ever assessed our position on adding fluoride to the water? There was a time when it was a no brainer. Of course, you put fluoride in the water. It reduces cavities. I remember the initial research suggested that. And now that that's not so clear in the research. And I've looked at this myself. And there are some people who object to fluoride being in the water. So, have you ever had a discussion about that? Is it something that we're committed to for the long term?

City Manager John D. Goodwin response - It comes up from time to time. We have not had that discussion at the city council level. We could have that discussion, if you'd like. And we could have our experts from the water treatment plant come in and discuss the pros and cons from their experience and the research that they're aware of. And another benefit besides helping with the dental health is when there's a water leak out there it does help us identify that it is our water, because chlorine dissipates over time the fluoride does not and it's still something we can measure. So that way we can tell it's either ground water or it's our water to make sure we have a problem or not. So it does help with other things as well. And we do put it in under all EPA guidelines and department of health guidelines.

The fluoride discussion will be added to a future environmental committee meeting for further discussion.

Council Member Ward 2 Unrath - Also when Steve and I were campaigning together we ran into issue on several streets where the residents were claiming they had lead in their water. We take our samples at the tap, don't we? City Manager John D. Goodwin response- We are required to take

those sample. There's no lead in our water. There might be lead services that people have from the street to their home.

Appointments:

Planning Commission: Councilmember-at-Large Terwilliger moved the appointment of Thomas Lyon to the Planning commission. Councilmember Ward 3 White seconded the motion.

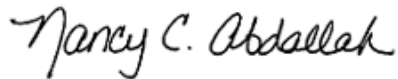
Vote Result: Carried unanimously by voice vote (9-0)

Miscellaneous: None

Adjournment:

Councilmember-at-Large O'Brien moved to adjourn at 8:48 P.M. Councilmember Ward 3 White seconded the motion.

Vote Result: Carried unanimously by voice vote (9-0)



Nancy C. Abdallah
City Clerk-Treasurer

Appendix A
PLANNING COMMITTEE & FINANCE COMMITTEE
Tuesday, January 7, 2020
7:00 PM
Council Chambers- The Hurley Building

Planning Committee: Steve Uebbing, Chair
Jim Terwilliger (**Absent**)
Nick Cutri
Dan Unrath

Other Councilmembers: Mayor Palumbo, Erich Dittmar, Karen White, Renée Sutton, Robert O'Brien

Staff: John D. Goodwin, Rob Richardson, David Hou

1. Renewal of Homeownership and Home Preservation Program – Habitat for Humanity

Habitat for Humanity (Habitat) and the City has partnered over the last several years to assist homeowners with exterior home repairs and improvements. This year they are also requesting funds to assist residents with wheel chair accessible ramps. Nash Bock from Habitat will be at the meeting to make a short presentation detailing the benefits of the program to the community and their proposal to continue their work. Funding for this program needs to be appropriated and recommended to be appropriated from existing CDBG funds (\$17,000).

Nash Bock was at the meeting to discuss the request from Habitat for Humanity. They are seeking \$17,000 to continue the program in 2020. In 2019 they worked on 3 home restoration projects doing a variety of home improvements, including yard work, drainage, and roof repairs. Last year's appropriation was \$15,000 and they believe they will have used that entire allocation once they process all invoices. They were able to assist all applicants who met the income requirements that applied. All people who receive assistance need to contribute "sweat equity" in order to qualify as well. Councilmember Unrath donated over 100 hours in 2019 and stated they do outstanding work.

Nick moved to approve the request; Dan seconded.

3 in favor, 0 opposed. Motion carries to Full City Council.

2. Renewal of Home Energy and Improvement Program – PathStone Corporation

In March 2014, the City and PathStone partnered to provide assistance to low to moderate income homeowners in making repairs to their homes and energy efficiency improvements. Chris Raymond from PathStone will be at the meeting to make a short presentation detailing the benefits of the program to the community and their proposal to continue their work. Funding for this program needs to be appropriated and recommended from existing CDBG funds (\$53,800).

Chris Raymond was at the meeting to discuss the request. Health and Safety are their primary concern (lead paint for example), followed by energy efficiency. They assist interested parties in filling out the paper work as well. There are income requirements, and if interested parties are not interested PathStone offers them financial counseling to help them become eligible. Steve added

that addressing the lead paint issue is important because it can impact children throughout their lives and symptoms may not manifest until much later on. Last year their allocation was \$49,000. They are working on lowering the match for homeowners and expanding the scope of services to utilize alternative funding streams. John added this program is also open to rental properties as well, which includes protections for the renter should improvements be made to prevent rent-spiking. Chris added these rentals are more likely to have children because young families with small children tend to rent. Whatever funding sources they use determine the length of required residency after improvements are made and/or the length of renter protections. They believe in setting the home owners up to succeed.

Dan motioned to approve the request, Nick seconded.

3 in favor, 0 opposed. Motion carries to Full City Council.

3. General Discussion – City Communications

Councilmember Steve Uebbing requested a general discussion on the City’s communications be added to the agenda.

Steve believes we need to do a better job of “pushing” information out to residents in a more timely, urgent fashion. Bob believes we need to enhance our website, and asked if there was a way to use this to gather e-mail addresses to create a ListServ for distribution. John stated the website will be completed this year and include that function. He also added there is a reverse 911 service through Ontario County, which calls/texts residents when there are emergencies. John thinks we need to avoid information overload, which causes people to ignore or overlook important information. Dan would like us to find a way to do push notifications, but cautioned we need to make sure we reach all our audiences- an app wouldn’t help elderly residents. He added there is no one way to address this, and it might require several approaches. John added the website is a 2020 project for IT, and will be a thorough and time involved process. Renée cautioned that we can’t inundate people with information, and that we need to be judicious about what would meet the criteria for “push notification.” She wants to know what the community needs from us and distribute that information accordingly. Steve suggested we appoint a task force, and he, Erich, Rob, and Julio volunteered. They will put a proposal together and come back in 2 months.

Thomas Lyon was at the meeting to discuss the Comprehensive Planning Committee, who had a deadline of January 31st to produce a draft. The Committee is requesting a 2-month extension to complete a good draft that includes public input. Bob said that is fine.

Dan motioned to adjourn; Nick seconded.

Meeting adjourned at 7:47 p.m.

Finance Committee: Jim Terwilliger, Chair (**Absent**)
Nick Cutri
Steve Uebbing, Acting Chair
Erich Dittmar

Other Councilmembers: Mayor Palumbo, Dan Unrath, Karen White, Renée Sutton, Robert O'Brien

Staff: John D. Goodwin, Rob Richardson, David Hou

Meeting came to order at 7:48 p.m.

1. Tabled IDA Resolution

Traditionally, members of the Ontario County IDA have been appointed by the Ontario County Board of Supervisors (BOS) to represent the economic development sectors of the County's Economic Development Strategic Plan, including: manufacturing, agriculture & food, financial services, health & medical, information technology & communications, organized labor, and government. At the December 5th City Council meeting, Resolution #2019-109 requesting that the BOS change the IDA appointment process to allow for municipal input was tabled and sent back to Committee. This item has been added to the agenda for further discussion.

Rich Russell was at the meeting per the Mayor's request to discuss concerns over how the IDA is structured, particularly the lack of resident input on who sits on the board. Six of the Seven members represent predetermined economic sectors, and one member is elected to represent residents. The City requested a member of the IDA be someone representing the City of Canandaigua, but the resolution was tabled to allow for further thought and discussion. Steve stated we would like a broader representation of the tax payer as opposed specifically to economic interests. Robert thinks our representation should be reflective of how pilots impact communities. Karen pointed out the County Board of Supervisors approves appointments, and believes we shouldn't remain passive to IDA actions because we're a small city and these pilots have a substantial impact. Renée asked Thomas to discuss his proposal for universal tax exemption policy. He suggests modifying UTEP to include requirements that any deviations from the guidelines set forth above requires a public hearing to be held at a public meeting, and a vote to approve by each effected taxing jurisdiction after the hearing. A denial by the effected taxing jurisdiction may be overruled, by a vote by the OCIDA board, and documenting rationale for taking such action to proceed. The statutory limit of 7 members prevents the IDA from expanding the number of members, but the Ontario County Board of Supervisors does have the ability to adjust how the board is structured. John added that to the best of his knowledge, the majority of Supervisors believe the current structure serves the County well. Robert reiterated our jurisdiction continues to bear the majority of the burden, and believes we should have a host agreement that includes guaranteed refunds from the County for the losses we absorb from County-wide IDA decisions. Renée likes the idea but doesn't think it's viable, but agrees whatever mechanism we come up with needs to have more teeth. She suggested forming our own board if it precluded the Ontario County IDA from overruling the City's IDA. Karen would like to see further consideration of Thomas's idea. Mike Yarger would like to see the IDA abolished all together, but he believes that the structure of the IDA should remain as is. He sees a lack of balance, and there are no checks and balances on the IDA. He thinks that if there is a pilot agreement, they need to go to the elected body. If the elected body says no, the project can not move forward. He pointed out the IDA rep for the tax payers often votes no, but gets outnumbered by the

representatives from business sectors. They should need to another body representing the tax payer (school board, City Council). Rich added the UTEP can be tweaked, but they would still need to remain within NYS guidelines. He suggested we take a step back, and have a meeting with elected officials, City Staff, and Mike Manikowski to say we're concerned we don't get a fair shake in IDA decisions. Mike may be able to give us some suggestions on how we can get more input into the process that we haven't thought of or considered. Robert likes this idea, and added the Medical community in the City is growing. These organizations are tax exempt, which directly impacts the City's tax levy and reduces the funding for City operations. He thinks these discussions should happen in tandem, but Steve said these aren't similar issues. He stated we should focus on the local matters we can actually impact. Rich also suggested we discuss this with Dave Baker present, and he believes they can both attend the meeting on the Environmental Committee and Ordinance Committee meeting January 21st. Renée asked if two weeks is enough time for corporation counsel to do the research necessary on the suggested proposals, and Dave stated he probably won't have a formal opinion but will be able to come up with some direction. Renée added she isn't opposed to PILOTs, but there needs to be standards. One of those being that the return on investment for residents is more than we have seen. She referenced the Inn on the Lake, who said they needed a PILOT to complete the project but the hotel is one of the 20 most anticipated hotel openings in the world according to Vogue magazine. They didn't need a PILOT, and our tax payers are bearing the burden for a financial benefit that wasn't necessary.

Nick motioned to adjourn; Erich seconded.

Motion adjourned at 8:39 p.m.

Appendix B
PLANNING COMMITTEE & FINANCE COMMITTEE
Tuesday, February 4, 2020
7:00 PM
Council Chambers- The Hurley Building

Planning Committee: Steve Uebbing, Chair
Jim Terwilliger
Nick Cutri
Dan Unrath

Other Councilmembers: Mayor Palumbo, Karen White, Erich Dittmar, Robert O'Brien, Renée Sutton

Staff: John D. Goodwin, Rob Richardson, David Hou, Jim Sprague

1. General Discussion – Phoenix Street

This matter was last discussed in September 2018 about having a similar program to that of Linden Street in Geneva. Linden Street was driven by the property owners and the businesses on the street, not the City of Geneva. The group (Linden Street Group) is a formal, but not official group that coordinates with each other for programming independent of the City or its BID. The group even has a part-time employee. The City of Geneva did and does accommodate their request to close the street seasonal (Memorial Day to Columbus Day) on Friday and Saturday with some requested Sundays. There was work necessary with the liquor authority to allow property owners to extend their outdoor patio space into the parking areas of the street. The September 2018 discussion resulted in the City Manager working with the BID to coordinate several meetings with the property owners on Phoenix Street to attempt to get a trail running in 2019. Nevertheless, there was little to no interest from the property owners in making the necessary investments and some resistance to the vision. Councilmember Steve Uebbing requested a general discussion on Phoenix Street be added to the agenda for a renewed discussion.

Steve started by giving a brief overview of the topic. Mayor Palumbo thinks this is a great idea as long as merchants are completely on board. Karen would like to see this rotate, as opposed to only closing Phoenix St. Dan likes that idea, but he also thinks we could close Phoenix Street as well. He spoke to a business owner who is not interested, but he is not on Phoenix. He has spoken to several people who think this is a good idea. Renée thinks that this is a good idea, but it should be a destination where everything is built up around it. Steve spoke to several people who believe the City should do something really cool with Phoenix Street. If the community has an appetite, he would like to create a task force to come up with ideas for Council to consider. Mike Yarger wanted to speak first because he says this was his idea. He has worked restoring historic businesses up in Park Ave. in Rochester and has travelled around the world, and he knows the benefits of pursuing this project. He has had people approach him about opening restaurants in one of his buildings, and he thinks having a pedestrian plaza would create a vibrant district. He contends several businesses and building owners on have put substantial investments into their properties, and it's time for the City to do its part. He wants the utilities to be put underground to remove the wooden poles and the cables, and he would like to see bricks sold for veterans from Ontario County and to name the area Blood Alley. A gentleman from the Town says he sees Phoenix Street as a diamond in the rough, and would like to see the City be more proactive and to step up to make this happen. TJ is not on board with a permanent closure, but he's on board with

a temporary closure- for example, on Friday and Saturday nights. Denise Chaapel said Phoenix Street is also the agenda of the BID Board. She has met with property owners who are interested doing this, and that seems to be building momentum. Until we do something with the actual street, however, it will not work. She added Linden Street worked because of the buy-in from business owners, and they need to do the work to make it happen- not the City. She would like to see this remain at the forefront of the City's agenda. She would also like to see us maximize things like commons park first. Mae Fox owns the Merrill Hose building, and wants to see something happen. John added that what Mike is asking would easily cost over \$1,000,000, and when they met with Business owners about doing this as a trial in the summer of 2019 but property owners weren't on board. Mike Yarger said it isn't fair to expect business owners to invest when the City won't invest. The City hasn't done anything to make this a viable project, and until the City invests, we have no right to ask business owners for anything. Steve cautioned that this will take time, and suggested we form a sub-committee to explore this. Bob agrees with Mike and thinks we should be proactive.

Jim motioned to create a task force, Dan seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

Steve suggested Dave Whitcomb be appointed head of the committee because this was one of his passion projects while he was on City Council.

2. City Council Retreat

It is important that City Council, as a group, collectively set priorities and goals via a new strategic plan that can be used to focus our attention and resources on accomplishing. To aid in the strategic planning process, the City Manager has proposed that City Council hold a full day retreat outside of a City facility with an outside facilitator to guide the discussion. This item has been added to the agenda for further discussion.

John believes this needs to happen in order to for the City to create a unified vision on how to move forward. All of City Council needs to be on board and committed otherwise it's a waste, and referenced the NRC meeting when only half of City Council showed up. The Mayor agrees that we need to do this to determine where we're going over the next few years. Dates will be discussed and this will be scheduled offline, but John offered February 29th as a potential date.

Dan motioned to adjourn; Nick seconded.

Meeting adjourned at 7:41 p.m.

Finance Committee: Jim Terwilliger, Chair
Nick Cutri
Steve Uebbing
Erich Dittmar

Other Councilmembers: Mayor Palumbo, Dan Unrath, Karen White, Robert O'Brien, Renée Sutton

Staff: John D. Goodwin, Rob Richardson, David Hou, Jim Sprague

Meeting came to order at 7:41 p.m.

1. Climate Smart Canandaigua – Green Vendor Fair Fee

Climate Smart Canandaigua is requesting permission to charge a fee from vendors intending to participate in the Green Vendor Fair on Saturday, March 28, 2020. The one-time fee would be \$10.00 with payment made to the City of Canandaigua for the purpose of securing a table at this community event. Revenue generated from this fee will be used to cover costs associated with promoting the event, i.e. mailing, posters, boosted Facebook posts, and other media. It is anticipated that approximately 30 vendors to participate. Any revenue left over will be used to promote other CSC-sponsored public activities in FY2020.

Maria Bucci, who is organizing the event, was at the meeting to discuss the request. The goal of the Green Vendor Fair is to bring businesses with green products and services into the community to educate residents on greener options for everyday life. There is a real interest in the community regarding learning how to live more sustainably, and fathering these vendors in the one place will help residents find information on their options. The fee being assessed will be going to promotion expenses. Maria wants to charge this fee to ensure they will stay the entire time, unlike Earthapalooza when they either didn't show up or left early.

Nick moved to approve the fee, Steve seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

2. Erina Hose Company Agreement

Erina Hose Company No.1 is a volunteer fire company which the City of Canandaigua contracts to supplement the paid fire department and a Fire Services Agreement is renewed annually. The 2020 agreement states that, in exchange for at least five (5) active firefighters, the City will contribute 4 quarterly payments of \$875 totaling \$3,500 for the year. To be considered an "active firefighter," volunteers must attend at least six (6) emergency calls and three (3) drills in each quarter of the calendar year and the Fire Chief shall have the final determination on whether or not a volunteer has met these requirements. Ryan Zhanghi has been invited to the meeting to discuss the proposal and answer questions for City Council.

Ryan Zhanghi gave a brief synopsis on his request. John added this is a 3 year agreement that will cover 2019, 2020, and 2021. He also pointed out that previous agreements were based on the number of interior qualified firefighters, but because training is an issue, becoming qualified is difficult. Exterior work can be done by volunteers prior to being interior qualified, and Ryan

added the goal is to get all volunteers interior qualified. With the changes in training that have taken place over the last few decades, which makes obtaining the required trainings extremely difficult.

Steve moved to approve the agreement, Nick seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

3. 2020 Budget Amendment - Lake Friendly Lawn Care Program

The 2019 Budget included \$10,000 in funding to support to be determined environmental education efforts. As improper use of fertilizers may contribute to harmful algal blooms, increased aquatic plant growth and degradation of water quality and general health concerns have been raised about the use of pesticides and herbicides, City Council partnered with the Town of Canandaigua and the Watershed Association to promote the Lake Friendly Lawn Care Program. This program asks residents and businesses to pledge to and adopt lake friendly lawn care by reducing and/or eliminating the use of fertilizers, planting rain gardens or vegetative buffers and tolerating weeds and pests before considering pesticides and herbicides. In 2019, the City Council contracted with the Watershed Association for signs and promotional materials at a total expense of \$2,500. The balance of \$7,500 was not spent. Councilmember Steve Uebbing requests Council consider appropriating \$7,500 from the 2020 Budget contingency to continue the partnership with the Watershed Association to further promote the program.

Steve Uebbing, who sits on this board, told the group at their November 2019 meeting there was \$7,500 that needed to be used, but the group could not decide how to utilize the funds. Now they have a plan in place he would like to make sure these funds are still available. John recommended using contingency, and stated we would need an outside agency agreement outlining the services we would receive for the funds we would appropriate. Renée asked why the money wasn't spent, and Steve said that the group had not determined an action plan. Renée supports the idea, but wants to make sure the money is spent appropriately. Steve said that's a big part of why the money wasn't spent group in 2019. Karen added this group has accomplished quite a bit utilizing only volunteer time, and the group will continue to make headway.

Steve moved to approve the request, Nick seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

4. Surplus Vehicles & Equipment

There are several vehicles and/or equipment that have either been replaced, in the process of being replaced or are no longer in operation (see attached list). In order to dispose of these vehicles, the City Council must first declare the vehicles surplus.

John provided a brief synopsis of the agenda item.

Nick moved to approve the request, Erich seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

5. Overhead Doors Maintenance

The City's contract for maintenance on overhead doors at all its facilities expired, and on January 10th the City opened bids for this service. Of the three (3) vendors, solicited, two (2) did not submit bids. The only response came from DBA Tri-County Overhead Door (now Alliance Door and Hardware, Inc), located at 55 Alliance Drive in Rochester, NY with a bid of \$6,475.20 with an hourly rate of \$134.90 and a travel charge of \$134.90. Staff recommends awarding the contract to Alliance Door and Hardware, Inc.

Jim asked Jim if this number was consistent based on their only being one bid, and Jim added that this is the same company that has the contract now. Renée asked how this price compared to the last contract, and Jim said this is higher because we've added 12 more doors. She also asked why we only seem to get one bid, and why we aren't casting a wider net. Jim said some of it is regional, but it also has to do the fact that many vendors don't like the municipal payment process and needing to wait. He added he is happy to widen the net, but identifying them is problematic. In addition, many overhead door contractors are only set up for residential garage doors- not commercial. Frank concurred with Jim's assessment.

Steve moved to approve the request, Nick seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

6. Mill Street Ground Lease Agreement

In 2012, the City entered into a ground lease agreement with businesses on Main Street for the use of bulk waste receptacles on Mill Street, also known as "dumpster farms. The original agreement included multiple businesses, but currently the only active participant is the Gateway Grille. The initial agreement was for one year including a provision for four (4) additional 12-month terms, and upon mutual consent from both parties has been renewed annually. The agreement and the additional 12-month terms expired at the end of 2019, and needs to be renewed in order to allow Gateway Grille continued access to the dumpster farm. Staff recommends renewing the agreement, and utilizing the structure of the initial contract to include four (4) additional 12-month terms.

John stated they are only leasing space from us, and without this facility our businesses couldn't operate.

Nick moved to approve the agreement, Erich seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

7. Salt Building Cover Replacement

The City's Salt Building houses salt that is used to de-ice roadways during snow and ice events. In accordance with MS4 requirements and best management practices, salt should be stored in a covered building. The building which was constructed in 2002 has a concrete base, steel frame with a fabric cover. The fabric has started to fail in several different locations and is in need of replacement. The estimated cost to replace the cover is \$23,291, without accounting for any unforeseen issues with any other portions of the building. The building cover was not scheduled to be replaced in 2020; thus, a capital budget amendment is necessary. Staff is recommending that City Council appropriate \$25,000 for this project from the Capital Reserve.

John provided a brief synopsis on the agenda item. Jim added that the original lifespan of the cover was 20 years, but unfortunately it is failing now and needs to be replaced. John is hoping that the roof project may provide some additional savings which may offset the cost of this. Bob asked if we can share space with the DOT, but Jim doesn't think either side has enough space to fulfill their needs. He said he is willing to look into it.

Erich moved to approve the request, Nick seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council

8. Engineering Work – WIIA Grant Project

Last year the City applied for and has been awarded a Water Infrastructure Improvement Act (WIIA) grant to design and install a redundant water transmission main from the Water Treatment Plant to the storage tanks. This project will prevent a major disruption of water service that would impact not only the City, but surrounding communities if the current transmission main were to have a major leak or break. MRB Group has been working with the City on the project from the original concept and has performed preliminary engineering for this project, including writing the grant application. MRB Group has proffered a proposal to complete the design work, provide bidding services, construction administration and construction observation for a total of \$88,720. City staff recommends that the City Council accept the proposal and award MRB Group a contract for design, construction administration and construction observation of the project.

John provided a brief synopsis of the agenda item. They have done the studies on this, so continuing with them makes sense. The amount being charged is under the amount we allocated, and MRB is also doing the engineering for the Town's project under the same grant as well. We are also looking into joint construction bids to save money. The grant and our share were budgeted for. Renée asked if construction observation is a typical expense, and John said yes. This is a standard & needed service, and the City is not staffed to perform this task. Using the same group for engineering & construction creates continuity. John expects the project should be completed by September, and Jim said he thinks that's ambitious but should be done by the end of the year.

Steve moved to approve the request, Erich seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

9. IDA Discussion

At the January 21st Ordinance Committee meeting, Councilmember Robert O'Brien requested Staff determine the total amount of revenue lost through PILOTs, in particular, the PILOT for the Inn on the Lake Project. This item has been added to the agenda for further discussion.

The PILOT was based on when the request came in, not when the project started. With the building the property was \$11,000,000, but the request came post demolition so it was valued at \$4.5 million. John calculated the PILOT will cost the City about \$54,000 a year for 10 years, or about \$546,000 over the life of the PILOT. The County would lose about \$47,000 annually, and the School District would lose roughly \$151,000 annually. John stated we have already absorbed that loss with or without the PILOT. Bob asked if we have any recourse, and David said not on this project but we can discuss other points in executive session. David referenced a 2016 lawsuit in Seneca County that was started by a citizens group, but all of the cases brought were dismissed. The take away is that IDAs have a ton of discretion to determine what's appropriate, but looking at future projects we should explore ways to be more attentive to potential projects so we can provide the IDA the information we think they need to make good decisions. This potentially could lead to support for legal action down the road. Robert would like to have Corporation Counsel explore what alternative options we have now that we know how much it will cost us. Her thinks that since the public will be left holding the bag, we should have the ability to hold failed projects accountable and to recoup our losses. Renée doesn't believe anyone is holding the IDA accountable for the "voodoo math" used to calculate the benefits, and there needs to be accountability for the deliverables and outcomes promised in exchange for those tax breaks. Jim suggested John talk to Mary and Jamie to see what their feelings are about the loss in tax revenue. Karen has reiterated several times that we need to be less passive in this process, and is happy we're discussing ways to be more engaged. John reminded the group that we have no recourse on this project, and moving forward even if we push back and oppose a project the IDA can still award a PILOT. Steve's contacts in the District told him that they were furious about the loss of revenue, but felt powerless to take action. Renée asked Dave to research if the Ontario County Board of Supervisors can vote to disband the IDA.

Nick motioned to adjourn to Executive Session, Steve seconded.

Meeting adjourned to Executive Session at 8:50 p.m.

10. Executive Session Items

(a) Litigation - Notice of Claim; (b) Potential Property Acquisition

Nick motioned to adjourn; Karen seconded.

Meeting adjourned at 9:18 p.m.

APPENDIX C
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
Tuesday, January 21, 2020
7:00 PM
Council Chambers- The Hurley Building

Environmental Committee: Karen White, Chair **(Absent)**
Robert O'Brien
Renée Sutton, Acting Chair
Dan Unrath

Other Councilmembers: Mayor Palumbo, Erich Dittmar, Jim Terwilliger, Steve Uebbing

Staff: John D. Goodwin, Rob Richardson, David Hou

1. Complaint Regarding Snow Removal Ordinance

§600-12 of City Code "Snow and Ice Removal" requires that property owners and occupants keep adjoining sidewalks free from snow and ice within 24 hours after the end of a snowfall. Whenever the owner or occupant fails to remove the snow and ice from the sidewalk within the 24 hour period, the Department of Public Works may remove the snow or ice with the expense incurred by the amount of labor, equipment, materials used as well as administrative overhead charged to the adjoining property owner in an amount not less than one (1) hours cost. In response to resident feedback, this ordinance is proactively enforced. Pictures of the sidewalk are taken before and after work is completed. Some residents that receive a bill from the City will call to protest the charge. The City Manager has only waived the charge if there is evidence that a mistake was made in the enforcement/billing. Nevertheless, in some cases a resident will persist and request an audience before City Council to have the City Manager's determination overturned. Recently, Heather Lyon, owner of 210 Pleasant Street, contacted the City believing she was assessed a bill for snow removal incorrectly. Although there is no provision in City Code for such a request, she has requested to meet with the City Council to plead her case. In accordance with the City's core values of responsive, participatory governance, the item has been added to the agenda.

John explained the agenda item, and the resident he was expecting did not come to the meeting. Jim asked for how many were impacted in the November storm, and Bob asked for locations.

2. Community Choice Aggregation

At its November 7th meeting, City Council passed Local Law #2019-003 establishing a Community Choice Aggregation (Energy) Program in the City of Canandaigua. The next step required is to choose a Third-Party Administrator to run the program, and after doing some research Staff recommends awarding the contract to Roctricity. The City can 'piggyback' an RFP recently completed by the Town of Brighton, the Town of Irondequoit, the Town of Pittsford, and the Village of Pittsford where their consortium found Roctricity to be the best choice for their Third-Party Administrator. In addition, several members of City Council expressed great interest in the potential to aggregate with these communities, as well as the City of Rochester. If the City of Canandaigua does not select Roctricity as our Third-Party Administrator, we will be unable to aggregate with these large communities moving forward. Ben Frevert from Roctricity will be at the meeting to answer questions for City Council.

Rob explained that he made a mistake regarding the piggybacking, which Ben also claimed some responsibility. He also clarified that Rochester has not yet chosen a 3rd Party Administrator, but Ben believes they would be leaning towards Rocricity. He added that now the piggy back language has been clarified, it will be included in the aforementioned contract. He added we could possibly aggregate with those communities as well as Penfield and Victor. John recommended that we wait until we see the finalized contract before making any sort of motion. Ben added that some communities choose not to use a competitive process, but different municipalities have different provisions. The City decided to wait to see a finalized contract before moving forward.

3. Special Event- Eastern Freestyle Standard Championship Skier Recognition

The BID has submitted a special events application to host “Eastern Freestyle Standard Championship Skier Recognition,” an event to celebrate skiers from around the World coming to our area for the 2020 USSA EQS Eastern Freestyle Championships Opening Ceremony. The proposed date for the event is March 20th and from 4 pm to 8 pm in Commons Park, the Main Street Sidewalks, Coach Street, and the Coach Street Parking lot with an estimated 1000 people attending. Because this is a new event it must be approved by City Council. Denise Chaapel from the BID has been invited to discuss the event and answer questions for Council.

John explained the event for Denise, who was unable to attend the meeting. Essentially this would be a parade type event honoring the athletes. We should be able to use a police escort so completely stopping traffic should be unnecessary. Mayor Palumbo thinks this is a great event. Dan added Denise has put on excellent events in the past and this should be no different.

Dan moved to approve the event; Robert seconded.

3 in favor, 0 opposed.

4. Special Event- Canandaigua Mile

Abbie Sullivan has submitted a special events application to host “The Canandaigua Mile,” a Race Community Event. The proposed date for the event is May 2nd at 9 a.m. on Main Street with an estimated 200 people attending. Because this is a new event it must be approved by City Council. Ms. Sullivan has been invited to the meeting to discuss the event and answer questions for Council.

Ms. Sullivan was at the meeting to discuss the event. They would hope to have both lanes shut down Southbound for about 45 minutes. They are still waiting to hear back on how much it will cost for overtime from DPW and Police. John reminded them that closing Main Street is an expensive proposition. Renée asked what the registration fees will be, and they said that will depend on how much it costs to close Main St. They hope to keep it around \$20. John said he estimates it will be about \$3,000 overall. They stated they would be willing to restructure how they run the race to try to minimize costs, but John said it won’t save them much. Steve asked if they considered Lake Shore Drive, and they did, but they want a downhill course and it’s the center of the City.

Dan moved to approve the event; Robert seconded.

3 in favor, 0 opposed.

5.

6. Kayak Rack Lease

There are two businesses, Canandaigua Sailboard and Seager Marine & Freedom Boat Club of Canandaigua, who would like to utilize the City small craft boat launch area on the west end of Kershaw Park. In the past, kayaks and paddleboards have taken up a great deal of the public park for the operation of the rental business without any compensation for the use of the park land. To correct this and to be fair to other adjacent businesses, City staff is recommending a lease of the kayak rack located at this location. Two permits (one for each side of the rack) with an annual fee of \$400 (based roughly \$25 per week from Memorial Day to Labor Day). Each business would be allowed to the kayak rack at the launch for storage during the day, while all other equipment must be stored on their own property and transported to and from the launch site. This item has been added to the agenda for further discussion.

John provided a brief overview of the agenda item. John showed photos of the area and what he is trying to accomplish. John sees his proposal as a fair usage for both business owners, as well as providing greater access for residents. Jim asked about the space we used to rent to L.L. Bean, and asked if we were still doing that. John clarified we were leasing them 4 parking spaces because they kept everything in their trailer. They no longer offer that type of program locally, so we no longer have an agreement with L.L. Bean. Robert asked if we can put signage up that this is a public launch, and John said we can but he doesn't want to pollute the view nor is there a parking space where someone can effectively unload their kayak. It is a public space, but it isn't one the public is likely to use. So far, they haven't seen the public use the existing racks, so this is a way to accomplish multiple objectives. Bob asked if we could limit the number of businesses, and John said they are going to need to transport whatever they can't fit on the rack. David said the City has the authority to issue a permit for commercial use. Steve isn't sure this is the right approach long term, but he sees what John is trying to do. Steve thinks the license approach is more sound than renting our rack- it's not the rack they want but access to the lake. Right now, two commercial entities have free access, but a full-fledged license agreement would ensure people paid a proper fee for that access. Steve would like to see a more formalized agreement. John added that this is another non-property tax revenue source, even if it is small. David Baker thinks we should be putting out bids every year, and thinks Steve's license idea is the right course. Jim thinks we should use this plan this summer, and we are overthinking it. Several members of Council were concerned that 6 kayaks might not be enough, and City Council would like to see a draft license agreement. John said he will bring something back for the Planning Committee.

Dan moved to accept the proposal, but Robert did not second the motion.

Robert motioned to adjourn; Dan seconded.

Meeting adjourned at 8:19 p.m.

Ordinance Committee: Renée Sutton, Chair
Robert O'Brien
Karen White (**Absent**)
Erich Dittmar

Other Councilmembers: Mayor Palumbo, Dan Unrath, Jim Terwilliger, Steve Uebbing

Staff: John D. Goodwin, Rob Richardson, David Hou

Meeting came to order at 8:19 p.m.

1. Removal of Stop Sign on Sand Street

At its October 3rd meeting, City Council passed Ordinance 2019-005 amending §648-7 Entitled One-Way Roads and Parking Lots of the Municipal Code making Sand St. "One Way" heading south from Telyea St. to Bristol St. With this ordinance now in place, there is no need for the existing stop sign at the intersection of Sand St. NB and Telyea St., and Staff recommend it be removed from the list of stop sign intersections listed in §648-13.

John provided a brief overview of the agenda item.

Robert moved to accept the proposal, Erich seconded.

3 in favor, 0 opposed. Motion carries to Full City Council.

Dan suggested we put up another one-way sign halfway up to ensure everyone knows it's one-way.

2. Permits for Parking Garages and Conduct Condition Assessments

Under New York law, the Secretary of State is authorized to issue rules and regulations for the administration of the State's Uniform Fire Prevention and Building Code (Uniform Code). Local governments are charged with enforcement of the Uniform Code and are directed to adopt certain portions of the Uniform Code by local law. The Secretary of State recently adopted amendments to 19 NYCRR 1203.2 that now require local governments to adopt code provisions regarding condition assessments and operating permits for parking garages. The attached Proposed Local Law # 2020-002 gives effect to the requirements imposed under 19 NYCRR 1203.2, as amended.

David had a few comments regarding the proposed draft. He believes it should be changed a little bit but is otherwise supportive of the proposed legislation as written. We are already required to administer and enforce this code, so this doesn't have a ton of operational impact. When it's finished, we will only have the one garage at the new hotel. Steve asked if we charge a fee for this, because right now it is not part of the fee schedule. John said he would need to do some research on this.

Erich moved to enact with the changes recommended by David, Robert seconded.

3 in favor, 0 opposed. Motion carries to Full City Council.

3. Tabled IDA Resolution – Continued Discussion

At the January 7th Planning Committee & Finance Committee Meeting, the City Council discussed the proposed resolution and other potential requests or potential solutions to concerns that some on City Council have regarding the Ontario County IDA. City Council requested that staff conduct some research. This item has been added to the agenda to review preliminary research and for further discussion.

Rich Russell and Dave Baker were at the meeting to speak on this agenda item. David shared that if the City created our own IDA, the business would still be able to go to the County for funding. It does not override their decision or prevent them from moving forward with the project. What it could do is create a “PILOT shopping” situation. Essentially creating our own IDA would not prevent the County from funding projects. In terms of entering into an agreement for lost assessed tax value- the real question is whether or not the County would agree to such an arrangement. This makes it more of a political/policy question than a legal. Regarding getting more input at the County level, we would need some kind of State legislation to change how the County IDA operates or how their IDA Board is structured. John added that depending on how you play with the numbers, you could argue either case on whether or not the City of Canandaigua is adversely impacted by PILOTS issued by Ontario County. To add any elected or appointed people beyond the 7 that exist, however, would require a change in State legislation. The seven members represent the 7 economic sectors that impact Ontario County. David Baker is not optimistic the County would agree to pay us for lost tax revenue, but the PILOT the County has with the City (roughly 38K annually) is meant to reflect the exempted properties they lose tax revenue on. Mr. Baker suggested when that agreement comes up for renewal, we should consider that in negotiations. Robert feels as though we should come up with a number to propose to Ontario County, and we are discontented. How are they going to make us whole? Just because we hit dead ends doesn't mean we should stop trying. Steve sees Robert's argument as a compelling case for a claim of loss. Renée said she can get behind suing the IDA, and Steve added that the Inn on the Lake PILOT is the only one where we suffered a substantial loss so that is the loss claim he sees worth pursuing. The parody they intended to create with the Finger Lakes Resort actually put the Inn on the Lake further ahead. Robert added they are replacing a proven money maker, and their PILOT should have reflected that. He thinks we should include it in the inter-cooperational agreement, and John added that the County doesn't need to give us that money, and could decide to retract the \$38,000 they contribute annually. Bob asked if there is any action we could take to retrieve those funds, and David sees all these suggestions as uphill battles he wouldn't advise us to pursue. He would rather discuss his suggestions in a closed attorney/client privilege meeting. Bob asked if there was any way to reopen decisions the IDA to make to overturn their decision, and Dave said he could look into that. John stated that as long as they followed the letter of the law there isn't any recourse for the City beyond Article 78. Dan added that the only elected rep on the IDA voted no, and Robert again stated we should include a specific dollar amount when we go to renew the IMA. Robert wants to know exactly how much was lost over the total 10-year period was. This will be added to the next meeting.

Robert motioned to adjourn; Erich seconded.

Meeting adjourned at 9:05 p.m.